

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

GAYLAND WILLIAMS, #875982

§

VS.

§

CIVIL ACTION NO. 6:09cv550

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

The above-entitled and numbered motion to vacate, set aside or correct a state sentence pursuant to 28 U.S.C. § 2254 was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Petitioner has filed objections.

Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and Petitioner's objections are without merit. Specifically, Petitioner contends in his objections that the Report does not address a due process violation as expressed in his petition. However, his petition, however couched, expresses only ineffective assistance of counsel claims and a claim that an enhancement was improperly used to obtain his eventual sentence. Each of these issues was addressed in the Magistrate Judge's Report and Petitioner has offered nothing further in his objections to demonstrate a constitutional violation. He essentially repeats his arguments from the petition. It is therefore

ORDERED that Petitioner's objections are **OVERRULED**. It is further

ORDERED that Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED** and the case is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. All motions by either party not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 13th day of July, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE